

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

GRANADA WELLNESS & REHABILITATION
CENTER, LLC

Employer

and

Case 20-RC-268518

SERVICE EMPLOYEES INTERNATIONAL
UNION, LOCAL 2015

Petitioner

ORDER

The Employer's Request for Review of the Regional Director's Decision Overruling Election Objection and Certification of Representative is denied as it raises no substantial issues warranting review.¹

MARVIN E. KAPLAN, MEMBER

WILLIAM J. EMANUEL, MEMBER

¹ In denying review, we acknowledge the very difficult circumstances that the Employer and its employees faced as a result of the severe COVID-19 outbreak in the Employer's facility just before and during the mail-ballot election in December 2020. We agree with the Regional Director that the Employer has failed to present sufficient evidence that the failure to grant its request to postpone the election prejudiced its ability to present its campaign message to unit employees. See *Transportation Unlimited, Inc.*, 312 NLRB 1162, 1162 (1993) ("[I]t requires more than mere speculative harm to overturn an election."). We also note that although the Employer explained that conditions at its facility were stressful and hard on the employees, it did not claim that any employee was prevented from voting via mail ballot by such conditions. We therefore find that the Regional Director carefully considered the circumstances presented here, and the Employer has not raised an issue that warrants postponing or setting aside the election. However, we disavow any reliance on the Regional Director's observation that "at most" the Employer's claimed inability to conduct its post-outbreak election campaign through the preferred method of onsite communications with employees only resulted in a "level playing field" for both parties to campaign outside the workplace.

JOHN F. RING,

MEMBER

Dated, Washington, D.C., April 26, 2021